IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9000 of 2005

Between:

M.Balaswamy, s/o Chinna Balaiah,
(E-280942), APSRTC, Nagarkurnool Bus Depot, Mahabubnagar District.

..... PETITIONER

AND

1 The Divisional Manager, APSRTC, Nagarkurnool Division at Nagarkurnool, Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot, Mahabubnagar District.
3 The Depot Manager, APSRTC, Nagarkurnool Bus depot, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent No.1 in imposing the penalty of reduction in pay of the petitioner by two incremental stages with cumulative effect and treating the suspension period as not on duty for all purposes as bad, arbitrary, illegal, unjust and unreasonable and contrary to his own findings by setting aside Proc.No.PA/19(1)/2004-DVM-NGKL dated 30-6-2004 of R1 herein in concerned with the modified punishment only and consequently direct the respondents to allow the reduced increments and treating the suspension period of the petitioner as on duty for all purposes.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in imposing the penalty of reduction of petitioner's pay by two incremental stages with cumulative effect and treating the suspension period as not on duty for all purposes as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material on record.

Admittedly, against the orders, dated 30.6.2004 passed by the 1st respondent-Divisional Manager, a statutory review lies to the 1st respondent.

Therefore, without expressing any opinion on the merits of the case, I consider it appropriate to direct the petitioner to avail the alternative remedy of filing a review petition before the 1st respondent.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case there shall be no order as to costs.

(K.C. BHANU, J.)

21st April, 2005

bcj

To

1 The Divisional Manager, APSRTC, Nagarkurnool Division at Nagarkurnool, Mahabubnagar District.
2 The Depot Manager, APSRTC, Wanaparthy Bus Depot, Mahabubnagar District.
3 The Depot Manager, APSRTC, Nagarkurnool Bus depot, Mahabubnagar District.

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